

STATE OF NORTH CAROLINA
COUNTY OF DURHAM

**AMENDMENT #1 TO THE CONTRACT TO DEVELOP AND IMPLEMENT A
COMPREHENSIVE SOLID WASTE DISPOSAL PLAN
BETWEEN THE CITY OF DURHAM AND CHA CONSULTING, INC.**

This contract amendment ("Amendment") is dated and entered into as of the ____ day of _____, 2012 between CHACONSULTING, Inc. ("Consultant") and the City of Durham ("City").

Amendment to the Existing Agreement. The agreement between the parties entitled "Contract Between the City of Durham North Carolina and CHA Consulting, Inc. to Develop and Implement a Comprehensive Solid Waste Disposal Plan, dated July 18, 2011, referred to as the "Original Contract" is hereby amended as follows:

In accordance with the "Additional Services" section of Attachment A, the Scope of Services of the Original Contract, the following additional tasks are added:

Task 1: Request for Proposals for Municipal Solid Waste and Recyclable Materials Management

The Consultant shall develop one Request for Proposal (RFP) for Municipal Solid Waste and Recyclable Material Management with individual scope of work for proposers to address transfer, hauling, disposal, and processing of material. The Consultant shall include options for use of the City's Waste Disposal and Recycling Center (Center) as well as options for equity investments into any capital improvements that may be proposed at the Center. The RFP shall include a request for proposers to include alternatives for operations at the Center including the convenience center and Household Hazardous Waste management. In addition, proposals will be requested for programs that could be implemented by the City or by the Proposer to reduce the amount of waste that is collected in the City.

The City's intent in allowing various scopes of service is to encourage private sector proposals that meet the minimum project criteria that the City has established and provide innovative solutions.

Technical Requirements

The Consultant shall draft technical requirements for both MSW and recyclable material management and submit them to the City for review and comments. Technical requirements will include design parameters, performance standards, and demonstration of proven technology.

Vendor Qualifications

The Consultant shall draft minimum qualifications for vendors including relevant operating experience, records of non-compliance or operational problems, certification for the ability to

accept City waste and recyclable materials, and a listing of operations and clients in North Carolina. The draft shall be submitted to the City for review and comments.

Contractual and Financial Requirements

The Consultant shall provide a draft of minimum requirements for vendor's financial strength and draft summary of contractual terms and conditions for discussion and City comments. The Consultant shall include in the draft limits of acceptable City obligations, including delivery of waste material, potential use of City property, and limits to City funding support. The Consultant shall receive and rely on input from City staff for the full language of the contractual terms and conditions and for financial requirements that shall be included in the RFP.

Evaluation Criteria

The Consultant shall provide the City with a draft set of evaluation criteria for review and comment. The Consultant shall meet with the City to help develop final criteria, and weighting factors that shall be used in the proposal evaluations. The City shall use an evaluation committee to review the suggested criteria and provide input to the Consultant.

Meeting and Presentation Requirements

The Consultant shall provide a draft of the proposer's submittal requirements, including number of copies and format, pre-proposal meeting details, question and answer procedures, schedules, addenda, and submission forms for each proposed scope of service. During the completion of Task 1, the Consultant agrees to meet with City staff on City property for up to five (5) meetings during the development of the RFP. The Consultant shall meet with City staff for two (2) additional meetings to discuss and develop contractual and financial requirements that are acceptable to the City prior to the final draft of the RFP being completed.

Issuance of RFP

The Consultant shall provide the City a list of publications for advertising the RFP; assist the City with hosting one pre-proposal conference and site visit. The Consultant shall assist the City with answering questions and comments from potential proposers and issuing addenda.

The Consultant shall perform a preliminary review of the all proposals to ensure that each one is complete with the required forms and documentation after the City has verified that the proposer has met the City's minimum EOE requirements. Evaluations will be initiated on proposals that appear to be complete. As evaluations progress, if any proposal is found to be incomplete, it may be set aside without further review. Only complete proposals with required forms and documentation will be fully evaluated. It is estimated that the Consultant shall evaluate up to five (5) proposals.

Task 2: Evaluation of Proposals

Technical Evaluation of Complete Proposals

The Consultant shall evaluate each complete proposal on a technical basis. The Consultant shall evaluate each proposal for MSW management, transfer station operations, waste hauling, and

land-filling. For recyclable material management, the Consultant shall evaluate the proposer's ability to transfer, haul and process recyclable material.

The Consultant shall summarize the permitting requirements for the technologies proposed. The Consultant shall follow the guidelines set forth by the North Carolina Department of Environmental and Natural Resources (NCDENR) for transfer station operations. The Consultant's summary shall include requirements for air emissions, noise, traffic analysis, and environmental assessment.

Financial Evaluation of Complete Proposals

The Consultant shall evaluate the highest technical ranked proposals on a financial basis. The Consultant shall structure the financial evaluation to define the annual and life cycle costs for an equitable comparison from the selected proposals. The Consultant shall meet with City staff to discuss the evaluation results from each proposal. The City shall make the final recommendation regarding the financial evaluation.

Contractual Evaluations of Complete Proposals

The Consultant shall evaluate the highest technical ranked proposals on a contractual basis. The Consultant shall summarize each proposal to understand the obligations of the City and proposer. The Consultant shall identify any risk the City is being asked to obligate itself. The Consultant shall identify contractual elements that are proposed as alternatives or ones that are not recommended.

Evaluation of Other Proposal Elements

Other proposal elements that may require consideration, such as environmental impacts, new permitting requirements, site preparation issues for new facilities versus modifications to existing facilities, and the general complexity of implementing a specific proposal will also be evaluated based on the evaluation criteria and the City's stated goals and objectives.

Task 3: Comprehensive Plan and Evaluation Report

The Consultant shall prepare an evaluation report that will provide the City with a thorough review of each proposal. The report shall include the strengths and weaknesses of each proposer including technical, financial, and contractual considerations. The report shall include matrices developed during the evaluation and the rankings of each proposal for each section of evaluation. The rankings shall be combined and presented as an overall evaluation and ranking for each proposal submitted. The Consultant shall provide a summary of the contractual and institutional implications to the City and provide a financial pro forma that presents the combined financial analysis, including public and private capital and operating costs, projected revenue, and a life-cycle cost analysis. The Consultant shall define new facilities as well as costs for current facility improvements.

The Consultant shall prepare a Comprehensive Solid Waste Disposal Plan (Plan) that shall include information that presents the recommended technologies, locations of facilities, waste and recyclable material flow, vendors and services rendered. The Plan shall identify key services such as receipt of waste or recyclables, material processing, transfer, long distance hauling, waste conversion and ultimate disposal. The Plan shall also include a combination of City and private entity financing, private equity solutions for new facilities or total private financing, to the extent they may be recommended based on evaluations. The Consultant should include information pertaining to grants or zero-to-low interest loans for the City to consider, if they are found to be available.

As part of the Comprehensive Plan, the Consultant shall prepare a timeline illustrating the key tasks that shall be completed, the responsible parties, and the approximate implementation schedule for Phase III.

The Consultant shall prepare two drafts and one final presentation for the City to review. The Consultant shall provide ten copies of the final Evaluation Report and Comprehensive Plan.

Meetings and Presentation of Evaluation and Comprehensive Plan

The Consultant shall be available for up to eight meetings with City staff during the evaluation and comprehensive planning phase. One meeting is reserved for the Consultant to present information to City staff and one meeting is reserved for a presentation to City Council. The remaining six meetings shall include City staff, legal and financial advisors.

Costs for Additional Services.

The fee for Task 1, RFP for MSW and Recyclable Materials Management, is \$65,125 for basic services and \$4,559 for expenses for a total not to exceed cost of \$69,684.

The cost for Task 2 and 3, Evaluation of Proposals and Reporting, is to be billed on a time and material basis and shall not exceed \$63,261.

The cost for all three tasks shall not exceed: \$132,945. For additional services and requests outside of the scope of services listed above, the Consultant shall bill the City independently of the three tasks.

This amendment is considered Phase II of the Initial Agreement to Develop and Implement a Comprehensive Solid Waste Disposal Plan.

IN WITNESS WHEREOF, the City and the Consultant have caused this contract to be executed under seal themselves or by their respective duly authorized agents or officers.

CHA CONSULTING, INC.

By:

Title:

ATTEST:

CITY OF DURHAM

By:
